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On September 18, 2006

TOWNSEND and TOWNSEND and CREW LLP

By: Eleanor J. Taylor

Handwritten initials: JHC and ZSW

PATENT

Docket No.: 021822-000200US

Client Ref. No.: 03FW01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Kun Lu

Application No.: 10/691,474

Filed: October 21, 2003

For: RING MAP DISCOVERY AND
VALIDATION METHOD AND
SYSTEM FOR OPTICAL NETWORK
APPLICATIONS

Customer No.: 20350

Confirmation No.: 5026

Examiner: SEDIGHIAN, REZA

Art Unit: 2613

**RENEWED PETITION UNDER 37 CFR
1.137(a)**

Mail Stop PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Decision of July 27, 2006 (Appendix A), Applicant requests that the Petition of June 6, 2006 for revival of the subject application be granted.

Applicant submits that the filing date of the foreign application is October 20, 2004 and the application number for the foreign application is PCT/CN2004/001192.

Additionally, Applicant is filing herewith a copy of the June 6, 2006 Petition (Appendix B).

As the sole deficiency of the June 6, 2006 Petition was the filing date of the foreign application and as the present Renewed Petition provides the requested filing date and has been filed within 2 months of the July 27, 2006 Decision, Applicant requests the subject application be revived.

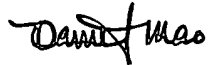
Kun Lu
Application No.: 10/691,474
Page 2

PATENT

CONCLUSION

If a telephone conference would expedite prosecution of this application, please telephone the undersigned at (650) 326-2400.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Daniel Mao".

Daniel Mao
Reg. No. 51,995

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DM:ejt



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APPENDIX A



TOWNSEND AND TOWNSEND AND CREW, LLP
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SAN FRANCISCO CA 94111-3834

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JUL 27 2006

Response Due 09/27/06

OFFICE OF PETITIONS

In re Application of

Lu

Application No. 10/691,474

Filed: October 21, 2003

Attorney Docket No. 021822-000200US

ON PETITION

This is a decision on the petition, filed June 6, 2006, under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704. No additional petition fee is required.

Petitioner states that the instant non-provisional application is the subject of an application filed in a foreign country and the U. S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country. A review of the file record shows that a Request to Rescind was filed on June 6, 2006. However, petitioner has not provided the exact filing date of the foreign application. Before a proper determination on the merits of the petition can be decided, petitioner must supply the filing date of the foreign application.

Further correspondence with respect to this matter should be addressed as follows:


By mail:

Mail Stop PETITION
Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

MC

By Fax: (571) 273-8300
ATTN: Office of Petitions

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.


Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions



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APPENDIX B

PTO/SB/64 (10-05)

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
021822-000200US

First named inventor: Lu, Kun

Application No.: 10/691,474

Art Unit: 2681

Filed: October 21, 2003

Examiner: Unassigned

Title: RING MAP DISCOVERY AND VALIDATION METHOD AND SYSTEM FOR OPTICAL NETWORK APPLICATIONS

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX: (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee — required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☐ Small entity — fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☒ Other than small entity — fee \$ 1,500 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Notice of Foreign Filing (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. ☒ For fees authorized to be paid hereinabove, the Commissioner is hereby authorized to charge the fees, any deficiency of fees, and credit of any overpayments, to Deposit Account No. 20-1430.

5. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Daniel Mao

Signature

June 6, 2006

Date

Daniel Mao

Typed or printed name

51,995

Registration Number, if applicable

Townsend and Townsend and Crew LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111

Address

650-326-2400

Telephone Number

- Enclosures: ☐ Fee Payment
- ☒ Reply: Notice of Foreign Filing
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
- ☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

June 6, 2006

Date

Signature

Eleanor J. Taylor

Typed or printed name of person signing certificate

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PTO/SB/36 (07-05)

**RESCISSION OF PREVIOUS NONPUBLICATION
REQUEST**(35 U.S.C. 122(b)(2)(B)(ii))
**AND, IF APPLICABLE,
NOTICE OF FOREIGN FILING**
(35 U.S.C. 122(b)(2)(B)(iii))Send completed form to:
Mail Stop PG Pub
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX: (571) 273-8300

Application Number	10/691,474
Filing Date	October 21, 2003
First Named Inventor	Lu, Kun
Title	RING MAP DISCOVERY AND VALIDATION METHOD AND SYSTEM FOR OPTICAL NETWORK
Atty Docket Number	021822-000200US
Art Unit	2681
Examiner	Unassigned

A request that the above-identified application not be published under 35 U.S.C. 122(b) (nonpublication request) was included with the above-identified application on filing pursuant to 35 U.S.C. 122(b)(2)(B)(i).

I hereby rescind the previous nonpublication request.

If a notice of foreign or international filing is or will be required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c), I hereby provide such notice. This notice is being provided no later than forty-five (45) days after the date of such foreign or international filing.

If a notice of subsequent foreign or international filing required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) was not filed within forty-five (45) days after the date of filing of the foreign or international application, the application is ABANDONED, and a petition to revive under 37 CFR 1.137(b) is required. See 37 CFR 1.137(f).



Signature

June 6, 2006

Date

Daniel Mao

Typed or printed name

51,995

Registration Number, if
applicable

650-326-2400

Telephone Number

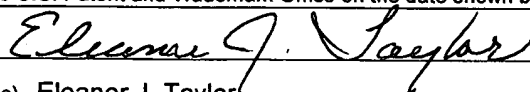
This request must be signed in compliance with 37 CFR 1.33(b).

If information or assistance is needed in completing this form, please contact the Pre-Grant Publication Division at (703) 605-4283 or by e-mail at PGPub@USPTO.gov.

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Signature



Name (Print/Type) Eleanor J. Taylor

Date

June 6, 2006